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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Armenia,* Australia, Cyprus,* France,* Germany, Greece,* Haiti,* Malta,* Netherlands,* Paraguay,* Serbia,* Slovenia, Ukraine, United State of America, Uruguay:* draft resolution

37/... Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, and other relevant international instruments,

Recalling its resolutions 7/25 of 28 March 2008, 22/22 of 22 March 2013 and 28/34 of 27 March 2015 on the prevention of genocide,

Considering that the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for Member States and the international community to reaffirm the significance of the Convention and to continue their efforts to prevent and punish the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

Taking into consideration that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

* State not a member of the Human Rights Council.

Affirming that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Condemning impunity for genocide, war crimes and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, war crimes or other massive, serious or systematic violations of human rights and international humanitarian law in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

Acknowledging the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

Stressing the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

Acknowledging the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and its positive impact on the prevention of gross violations of human rights and serious violations of international humanitarian law through a holistic approach to transitional justice,

Acknowledging also the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,[1] and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Encouraging States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity and promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

Recognizing that an important factor for the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

Noting with concern that attempts to deny or to justify the crime of genocide, as defined in the Convention and established as such under international law, may risk undermining the fight against impunity, reconciliation and efforts to prevent genocide,

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations,

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[1] E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19, A/HRC/15/33 and A/HRC/17/21.

Recalling that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

Reaffirming its full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

Taking note of the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Recalling the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan[2] and the activities of the Special Adviser,[3] as well as of the convening of five interactive dialogues with the Special Adviser at the third, seventh, tenth, twenty-fifth and thirty-first sessions of the Council,

Recalling the 2005 World Summit Outcome,

Acknowledging the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union and other national, regional and international initiatives,

Acknowledging also the successful outcome of the regional forums on the prevention of genocide – the first, in Buenos Aires, from 10 to 12 December 2008, the second, in Arusha, from 3 to 5 March 2010; the third, in Bern, from 4 to 6 April 2011; and the fourth, in Phnom Penh, from 28 February to 1 March 2013 – and noting the first international meeting of Global Action Against Mass Atrocity Crimes, held in San José from 4 to 6 March 2014, and the second, held in Manila from 2 to 4 February 2016,

Acknowledging further that victims of and others affected by the crime of genocide as defined in the Convention call for a form of memorialization, which plays an important role in the prevention of genocide,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

4. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices

[2] E/CN.4/2006/84.

[3] A/HRC/7/37 and A/HRC/10/30.

among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

5. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to those States that have done so since the adoption by the Human Rights Council of its resolution 28/34, namely Benin, Malawi and Tajikistan;

6. *Welcomes* the launch of the appeal by the Special Adviser on the Prevention of Genocide for the universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide on the sixty-ninth anniversary of the Convention and the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime;

7. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

8. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and regional organizations, aimed at fostering the principles enshrined in the Convention;

9. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

10. *Condemns* intentional public denial or justification of the crime of genocide as defined by international law, and notes with concern that public denials create a risk of further violations and undermine efforts to prevent genocide;

11. *Recognizes* the important role of the Secretary-General in contributing to the prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

12. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

13. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

14. *Reiterates* the importance of its universal periodic review mechanism, which is an important instrument for advancing human rights, and invites States to include, where appropriate, the information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

15. *Urges* all States to implement accepted universal periodic review recommendations related to the prevention of genocide, war crimes and crimes against humanity;

16. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those

concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention, and to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

17. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan and the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

18. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

19. *Invites* Member States and regional and subregional organizations to look at the examples of best practices of prevention of genocide developed in other regions, where appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

20. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

21. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

22. *Takes note* of the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, as well as other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

23. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, which will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and to create a safer future;

24. *Welcomes* the adoption by consensus of General Assembly resolution 69/323 on 11 September 2015, in which the Assembly proclaimed 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of This Crime;

25. *Requests* the Secretary-General, in collaboration with the Office on Genocide Prevention and the Responsibility to Protect and with relevant entities of the United Nations system, Governments and other stakeholders, to help to ensure the success of the observance by the United Nations of the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of This Crime and to assist Member States, upon request and in compliance with the provisions of resolution 69/323 relating to funding, in organizing activities for the observance of the International Day;

26. *Invites* the Special Adviser on the Prevention of Genocide to continue to execute the activities under his mandate, including in the follow-up to the present resolution, by providing States with guidance, assistance and follow-up, upon their request;

27. *Requests* the Secretary-General to draw up a roster of focal points and networks on the prevention of genocide with updated information from Member States;

28. *Also requests* the Secretary-General to prepare a follow-up report based on information provided by States on the implementation of the provisions of the present resolution, with a particular focus on activities aimed at raising awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and the realization of educational programmes and projects that contribute to the prevention of genocide, and to submit the report to the Human Rights Council at its forty-first session;

29. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize at the thirty-ninth session of the Human Rights Council a high-level panel discussion to commemorate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, to be followed by an interactive dialogue with the Special Adviser on the Prevention of Genocide;

30. *Also requests* the Office of the High Commissioner to prepare a summary report on the high-level panel discussion and to submit it to the Human Rights Council at its fortieth session;

31. *Decides* to continue its consideration of this issue in accordance with its programme of work.